

# **EXHIBIT 1**

**BATHAE DUNNE LLP**

Yavar Bathae (CA 282388)  
yavar@bathaeedunne.com  
Edward M. Grauman (*p.h.v. forthcoming*)  
egrauman@bathaeedunne.com  
Andrew C. Wolinsky (*p.h.v. forthcoming*)  
awolinsky@bathaeedunne.com  
445 Park Avenue, 9th Floor  
New York, NY 10022  
Tel.: (332) 205-7668

Brian J. Dunne (CA 275689)  
bdunne@bathaeedunne.com  
633 West Fifth Street, 26th Floor  
Los Angeles, CA 90071  
Tel.: (213) 462-2772

*Attorneys for Plaintiffs Affilious, Inc., Jessyca  
Frederick, NJ Premier Inc., Timothy Mills,  
Mark Young, Danny Collins, Joshua Jeon,  
406 Property Services, PLLC, Mark Berney,  
and MarQuisha Cork*

*(Additional Counsel on Signature Page)*

SONAL N. MEHTA (SBN 222086)

Sonal.Mehta@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
2600 El Camino Real, Suite 400  
Palo Alto, California 94306  
Telephone: (650) 858-6000  
Facsimile: (650) 858-6100

DAVID Z. GRINGER (*pro hac vice pending*)

David.Gringer@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
Telephone: (202) 663-6000  
Facsimile: (202) 663-6363

*Attorneys for Defendant*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

AFFILIOUS, INC., a California corporation,  
JESSYCA FREDERICK, NJ PREMIER INC., a  
New Jersey corporation, TIMOTHY MILLS, MARK  
YOUNG, DANNY COLLINS, JOSHUA JEON, 406  
PROPERTY SERVICES, PLLC, a Montana  
professional limited liability company, MARK  
BERNEY, and MARQUISHA CORK, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC., a Delaware corporation  
headquartered in California,

Defendant.

Case No. 4:20-cv-09217-KAW

**STIPULATION AND ~~PROPOSED~~  
ORDER AS MODIFIED TO STAY**

Hon. Kandis A. Westmore

1 WHEREAS, six putative class action lawsuits<sup>1</sup> have been filed against defendant  
 2 Facebook, Inc. in this District in recent weeks alleging violations of Section 2 of Sherman Act,  
 3 15 U.S.C. § 2;

4 WHEREAS, five of these lawsuits are currently the subject of contested motions pending  
 5 before Judge Freeman to consider whether the cases should be related to *Reveal Chat Holdco,*  
 6 *LLC v. Facebook, Inc.*, No. 5:20-cv-00363-BLF, and this case is the subject of a pending  
 7 stipulated motion to the same effect;

8 WHEREAS, regardless of the outcome of Facebook's pending motions to relate the  
 9 putative class action lawsuits that have been filed against Facebook to *Reveal Chat*, the cases  
 10 themselves are likely to be the subject of motions to relate to one another;

11 WHEREAS, should Judge Freeman grant the pending motions to relate the cases, the  
 12 court will need to determine the manner in which these cases will proceed;

13 WHEREAS, regardless of whether Judge Freeman grants the pending motions to relate  
 14 the cases, one or more court in this District may need to decide issues around interim class  
 15 counsel and/or whether to consolidate the cases;

16 WHEREAS, moving forward with responsive pleadings and other matters in this case  
 17 may impose an unnecessary burden on the Court and parties until the threshold issues of case  
 18 administration are resolved;

19 ACCORDINGLY, pursuant to Civil Local Rules 6-1 and 7-12, defendant Facebook, Inc.  
 20 and plaintiffs Affilious, Inc., Jessyca Frederick, NJ Premier Inc., Timothy Mills, Mark Young,  
 21 Danny Collins, Joshua Jeon, 406 Property Services, PLLC, Mark Berney, and MarQuisha Cork,  
 22 by and through their respective counsel, hereby stipulate and agree that good cause exists to stay  
 23 Facebook's time to answer or otherwise respond to the Complaint until further order of the  
 24

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25 <sup>1</sup> In addition to this case, the lawsuits are: *Klein v. Facebook, Inc.*, No. 5:20-cv-08570-LHK;  
 26 *Sherman v. Facebook, Inc.*, No. 3:20-cv-08721-JSW; *Kupcho v. Facebook, Inc.*, No. 4:20-cv-  
 27 08815-JSW; *Dames v. Facebook, Inc.*, No. 3:20-cv-08817-HSG; and *Steinberg v. Facebook,*  
 28 *Inc.*, No. 3:20-cv-09130-VC.

1 Court, and until such time as the Court convenes a status conference and issues any necessary  
2 orders on how this case shall proceed.

3  
4  
5  
6 Dated: January 4, 2021

WILMER CUTLER PICKERING HALE  
AND DORR LLP

7 By: /s/ Sonal N. Mehta

8 SONAL N. MEHTA

9  
10 *Attorney for Defendant*  
11 *Facebook, Inc.*

12 Dated: January 4, 2021

**BATHAE DUNNE LLP**

Yavar Bathae (CA 282388)

yavar@bathaeedunne.com

Edward M. Grauman (*p.h.v. forthcoming*)

egrauman@bathaeedunne.com

Andrew C. Wolinsky (*p.h.v. forthcoming*)

awolinsky@bathaeedunne.com

445 Park Avenue, 9th Floor

New York, NY 10022

Tel.: (332) 205-7668

18 Brian J. Dunne (CA 275689)

19 bdunne@bathaeedunne.com

633 West Fifth Street, 26th Floor

20 Los Angeles, CA 90071

21 Tel.: (213) 462-2772

22 **SCOTT + SCOTT ATTORNEYS AT**  
23 **LAW LLP**

Christopher M. Burke (CA 214799)

24 cburke@scott-scott.com

David H. Goldberger (CA 225869)

25 dgoldberger@scott-scott.com

Kate Lv (CA 302704)

26 klv@scott-scott.com

600 W. Broadway, Suite 3300

27 San Diego, CA 92101

28 Tel.: (619) 233-4565

David R. Scott (*p.h.v. forthcoming*)  
david.scott@scott-scott.com  
Kristen M. Anderson (CA 246108)  
kanderson@scott-scott.com  
230 Park Avenue, 17th Floor  
New York, NY 10169  
Tel.: (212) 223-6444

Patrick J. McGahan (*p.h.v. forthcoming*)  
pmcgahan@scott-scott.com  
Michael P. Srodoski (*p.h.v. forthcoming*)  
msrodoski@scott-scott.com  
156 South Main Street, P.O. Box 192  
Colchester, CT 06415  
Tel.: (860) 537-5537

By: /s/ Yavar Bathaee

Yavar Bathaee

*Attorney for Plaintiffs*  
Affilious, Inc., Jessyca Frederick, NJ Premier  
Inc., Timothy Mills, Mark Young, Danny  
Collins, Joshua Jeon, 406 Property Services,  
PLLC, Mark Berney, and MarQuisha Cork

**SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatories have concurred in this filing.

Dated: January 4, 2021


By: /s/ Sonal N. Mehta  
Sonal N. Mehta

**~~[PROPOSED]~~ ORDER AS MODIFIED**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED: Facebook's time to answer or otherwise respond to the Complaint is STAYED pending further order of the Court.

~~At the appropriate time the Court SHALL convene a status conference and issue any necessary orders on how this case shall proceed.~~ Initial cmc set as control date for 2/25/2021. Joint cmc statement due 2/18/2021.

DATED: January 7, 2021

By   
EDWARD M. CHEN  
United States District Judge

Submitted by:

WILMER CUTLER PICKERING HALE AND DORR LLP

By: /s/ Sonal N. Mehta

*Attorney for Facebook, Inc.*